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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,206	01/21/2004	Kia Silverbrook	RRA21US	1340
24011 7590 10/15/2010 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER MARTINEZ, CARLOS A				
ART UNIT 2853		PAPER NUMBER		
NOTIFICATION DATE 10/15/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/760,206

Applicant(s)

SILVERBROOK, KIA

Examiner

CARLOS A. MARTINEZ, JR.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2 and 4-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 July 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2, 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the expression “a second cradle, interchangeable with the first cradle...the second cradle supports one or more functionalities of a cartridge not supported by the first cradle” is unclear and/or is not in harmony with the specifications/drawings. As written with the particular expression “a second cradle, interchangeable with the first cradle”, the claims seem to try to encompass the scenario where two cradles make up a printer system; however, this is not in harmony with applicant's drawings or specifications which shows in [0056], [0065], [0102], [0113], [0119], [0120], and [0159] (refer to the paragraphs of the PGPUBs, US20050157112, for the present application) that a single cradle with a cartridge makes up a single printer system. As noted by considering applicant's specification, the Office notes that there is no mention or disclosure of a cradle being interchanged with another. The only mention of interchanging occurring in connection with a cradle is with regards to an upgrade of the PCB board of a cradle so that a more powerful cartridge unit can be utilized. It is therefore unclear to the Office what the applicant is wishing to claim with the expression “a second cradle, interchangeable with the first cradle” -- enough so that the Office can make a corresponding/appropriate rejection of the

subsequent dependent claims in connection with the independent claim. Therefore, as the claim language is indefinite to the Office, claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Further, since claims **2, 4, and 5** are dependent on a rejected parent claim they are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Also, since the Office cannot determine specifically what the applicant is trying to claim with respect to claim 6, then the Office cannot determine how the dependent claims correspond to the parent claim. Further, as the claim(s) seem to not be consistent with the specification, the Office cannot determine the scope of the invention, nor can the Office perform a proper examination of the presented claims, and the claims (claims 2, 4, and 5) will be rejected with their independent claims (claim 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajika (US6116716) in view of Cook (US6206511).

- Tajika discloses an inkjet printer system (refer to abstract, Fig.1, and Fig. 29) comprising: a printer having a first cradle (200C) defining a recess for receiving a single cartridge (refer to Fig. 1; Fig. 2a to Fig. 2D; lines 23-59 of column 3; lines 16-31 of column 45); a range of inkjet printer cartridges (refer to Table 3), each cartridge comprising a printhead having at least one performance characteristic that differentiates each printhead from others in the range, each cartridge including a plurality of ink reservoirs for feeding the printhead (refer to Table 3, also refer to embodiment 4 to embodiment 7 mentioned in columns 40-44); and a second cradle (200N), interchangeable with the first cradle, wherein the printer performance is adjustable upon replacement of one cartridge from the set of supported cartridges with another cartridge from the set of supported cartridges, and the second cradle supports one or more functionalities of a cartridge not supported by the first cradle (refer to Fig. 29; also lines 9-19 of column 39; also refer to embodiment 4 to embodiment 7 mentioned in columns 40-44). However, Tajika fails to specifically disclose a refill port for refilling each of the plurality of ink reservoirs.
- Cook discloses a refill port for refilling each of the plurality of ink reservoirs (refer to Fig. 2; also claim 1; also lines 6-27 of column 4; line 54 of column 7 to line 8 of column 8).
- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Tajika, a refill port for refilling each of the plurality of ink reservoirs, as taught by Cook, for the purpose of providing resupplying as needed to individual reservoirs.

Response to Arguments

3. Applicant's arguments with respect to claims 2, 4-6 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Martinez, Jr. whose telephone number is (571) 272-8349. The examiner can normally be reached on 8:30 am - 5:00 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CARLOS A MARTINEZ, JR./
Examiner, Art Unit 2853
10/08/2010

/Stephen D Meier/
Supervisory Patent Examiner, Art Unit 2853